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THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE FOR  
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CHARLES D. BAKER  
SECRETARY

March 8, 1996

TO: Cabinet Secretaries & Counsel, Agency Heads & Counsel

FROM: Charles D. Baker, Secretary of Administration and Finance  
Brackett B. Denniston III, Governor's Chief Legal Counsel

RE: Implementing Executive Order 384 - To Reduce Unnecessary Regulatory Burden

Memorandum #1

This memo is the first in a series of communications about the Regulation Review Project initiated by E.O. 384. It is our intent to try to address the issues and concerns that you may have regarding the implementation of this project as expeditiously as possible.

**Prospective Regulations: A&F approval needed for 4/5/96 or later submission to Massachusetts Register**

Beginning with the Secretary of State's April 5th deadline for materials to be submitted to the Massachusetts Register, only those public hearing notices shall be issued for those prospective regulations that have been approved by A&F. A prospective regulation must be submitted to A&F, along with the completed Regulation Review Checklist (attached) and Secretary of State's Regulation Filing Form at least two weeks before the proposed date for publication of the notice in the Massachusetts Register. For example, this means that if agencies intend to submit a public hearing notice for a prospective regulation to the Secretary of State by April 5th then the prospective regulation and related materials should be submitted for A&F review not later than March 22nd. A&F will notify the agency within one week of receipt to indicate whether the prospective regulation is approved or rejected for publication of the hearing notice, or requires further information or discussion before a final determination.

**Emergency Regulations: A&F review required for effective dates of 4/5/96 or later**

Similar to the procedures for prospective regulations, any emergency regulation with a proposed effective date of April 5, 1996, or later shall first be reviewed by A&F before being filed with the Secretary of State. Emergency regulations should be submitted to A&F, along with the completed Compliance Review and Secretary of State's Regulation Filing Form not later than two weeks in advance of the proposed effective date. A&F will notify the agency within one week of receipt to indicate either that the emergency regulation is approved or disapproved, or requires further information or discussion before a final determination. In extraordinary circumstances, A&F may waive its review and approval process upon agency request.



**Coordination with the Secretary of State**

In order to coordinate our efforts with the Secretary of State, upon receiving A&F approval please note in the "*Prior Notification and/or Approval*" section of the Regulation Filing Form that the agency has met the requirements of E.O. 384.

**Secretariat and Department contacts: Information on names, phone, fax, e-mail to A&F by 3/15/96**  
The deadline for compliance with section 7 of E.O. 384 is March 15, 1996. Each Secretariat should submit the name, address, phone, fax, e-mail address of the Secretariat contact and each agency contact to A&F Assistant Secretary Steven Kadish by Friday 3/15/96. This information is to be coordinated with and submitted through the Secretariat.

**CMR Inventory: Clarification forthcoming, deadline extended to by 3/29/96**


The deadline for submission of the CMR Inventory has been extended to 3/29/96. Memorandum #2 will be issued shortly to answer questions that agencies have asked regarding the CMR Inventory. Formatting directions will also be included.

**A&F Contacts: Questions and Submitting Information**

Please address all submissions of materials related to this Regulation Review project to Steve Kadish, Assistant Secretary. If you would like to receive a copy of the Regulation Review Checklist electronically, via e-mail or on diskette, you may do so by contacting Rachel Madden. Please contact Steven Kadish, Susan Beck, or Rachel Madden, all at 727-2040, if you have any questions.

Thank you for your assistance on this important initiative.

cc: William Francis Galvin, Secretary of the Commonwealth  
Steven Kfoury, Executive Director, State Publications and Regulations



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## Regulation Review Checklist Guidelines & Instructions

The Regulation Review Checklist (attached) has three important purposes. The first is to provide a consistent format to allow for an expedited review of new regulations. The second is to provide Secretariats and agencies with some guidelines related to the development of regulations. And, third, the Checklist provides necessary information to better understand the impact on businesses, citizens, and state and local government.

**\* Please note: A Regulation Review Checklist is to be completed and submitted to A&F for any prospective or emergency regulation not less than 2 weeks in advance of the intended publication of the public hearing notice or proposed effective date.**

### **General Guidelines**

The Checklist consists of a number of questions in a variety of formats. Please do not feel restricted to the amount of space provided when answering the questions. You are welcome to expand your answers beyond the designated space or to provide responses as attachments. If you choose to provide attachments, please be sure to label your response according to the section and number on the Checklist.

### **Outline of Checklist**

<i>Section I - Overview Data:</i>	Requests general information on the Regulation in chart format. Please provide your responses in the boxes next to each category.
<i>Section II - Purpose:</i>	Consists of four questions intended to identify the general purpose of the Regulation; the problem that it seeks to correct; the Regulation's target audience; and the general effects of the Regulation on businesses, and state and local government.
<i>Section III - Evaluating Effectiveness:</i>	Consists of seven questions intended to determine how effective the Regulation is at achieving its objective.
<i>Section IV - Benefit Cost Analysis:</i>	Requests that you provide a cost/benefit analysis for each new Regulation. Section IV consists of four general questions which are intended to serve as a road map. How you choose to approach and present your analysis is discretionary. Please use the formula that best suits your needs and meets the specifications of the Regulation, and explain why you chose to present the information in this manner.
<i>Section V - Development of the Reg.:</i>	Consists of five questions in both essay and chart format. The questions are intended to determine the span of the Regulation as it relates to other entities of government and jurisdictions.



**Section VI - Attachments:**

Requests that you provide five specific attachments as supplementary information. (Item #4, Flesch test results, refers to a readability analysis which can be performed on your PC. The test is conducted by selecting the *Grammar* check function found under the *Tools* category on your Microsoft Ruler. Flesch test results are included in the Readability Statistics provided at the end of the grammar check.)

**Section VII - Approvals**

Provides location for sign off by the responsible Secretary and agency, and EOAF.

**Instructions**

Please submit your completed checklist on disk, preferably in Microsoft Word 6.0, and in hard copy. If you do not have access to Microsoft 6.0, Word Perfect 5.0 and Word for Windows 2.0 are also acceptable. If you would like to receive a copy of the Regulation Review Checklist electronically, via e-mail or on diskette, please contact Rachel Madden, EOAF. Any other questions regarding completing the checklist or formatting your disk may also be addressed to Rachel Madden at 727-2040 x. 457.





**Code of Massachusetts Regulation (CMR) Review  
Compliance with Executive Order 384  
Regulation Review Checklist**

For EOAF Use Only		Comments
Date Received		
Date of Response to Agency		
Date of A&F Determination		

**I. Overview Data**

Agency	
Secretariat	
Regulation Title	
CMR Number	
Number of Pages	<i>Existing:</i>  <i>Proposed:</i>
Legal Authority (MGL Chapters)	
Initial Effective Date of Existing Regulation	
Most Recent Amendment Effective Date of Existing Regulation	
Key Words/Topic (please provide 3 separate words)	
Related/Overlapping Jurisdictions (other state agencies, feds, other)	



## II. Purpose

1. Please check one or more of the appropriate purposes of the regulation:

<input type="checkbox"/>	A. Health & Welfare	<input type="checkbox"/>	G. Labor Practices
<input type="checkbox"/>	B. Environmental Protection	<input type="checkbox"/>	H. Construction/Land Use
<input type="checkbox"/>	C. Public Safety	<input type="checkbox"/>	I. State/Local Govt. Relations
<input type="checkbox"/>	D. Tax & Revenue	<input type="checkbox"/>	J. Doing Business in MA
<input type="checkbox"/>	E. Consumer Protection	<input type="checkbox"/>	k. Other (please describe)
<input type="checkbox"/>	F. Internal State Government Operations		

2. What problem is the regulation attempting to address and/or what legal (state, federal, court, other) requirement is the regulation attempting to fulfill? Please provide background materials supporting the asserted need, or if legally required, please provide the language containing the legal obligation.

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3. Who is the primary audience for the regulation:

<input type="checkbox"/>	A. Regulated Parties	<input type="checkbox"/>	C. State Government Operations
<input type="checkbox"/>	B. General Public	<input type="checkbox"/>	D. Other



4. Please respond to each of the following as it relates to the proposed regulation:

Entities Doing Business in the Commonwealth	
Adds Requirement for Doing Business	What?
Deletes Requirement for Doing Business	What?
Increases Paperwork	How?
Decreases Paperwork	How?
Entities Located and Operating in the Commonwealth	
Adds Requirement for Doing Business	What?
Deletes Requirement for Doing Business	What?
Increases Paperwork	How?
Decreases Paperwork	How?
State Government	
Adds Administrative Procedure	What?
Deletes Administrative Procedure	What?
Increases Paperwork	How?
Decreases Paperwork	How?
Local Government	
Adds Administrative Procedure	What?
Deletes Administrative Procedure	What?
Increases Paperwork	How?
Decreases Paperwork	How?





### III. Evaluating Effectiveness

1. What is the risk if no regulation were issued?

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2. Why do you need a regulation to enforce a statute?

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3. What alternative means were considered (letter, policy guidelines, Technical Information Release, etc.) and why were they determined to not be suitable?

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4. What are the goals of this regulation and why is this specific regulation the best way to reach these goals?

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5. By what means will you be measuring/determining that these goals have been met through the regulation?

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6. How do you intend to review the effectiveness of the regulation?

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7. What is the date of the next review of the proposed regulation?

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**IV. Benefit Cost Analysis**

(Please provide benefit-cost analysis and/or other supporting materials. You may answer the question in an alternate format, but be sure to answer these basic questions.)

1. What are the benefits of this regulation; to whom?

2. What are the savings from this regulation; to whom?

3. What are the costs/expenditures of this regulation; to whom?

4. Do the benefits outweigh the costs? Why?

**V. Development of the Regulation**

1. Is the regulation in plain English? Please verify readability by conducting a Flesch Test and provide printout of result as an attachment.

2. Does the regulation involve other agencies or jurisdictions? If so, which?

A.
B.
C.
D.
E.





3. If the regulation involves other agencies or jurisdictions, please respond to each of the following:

A. Have you notified these agencies and/or jurisdictions of the action you are planning to take?

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B. Have you requested comments from these agencies and/or jurisdictions? If not, why not?  
If yes, what were the comments?

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C. Have the effected agencies and/or jurisdictions played a role in the promulgation of the regulation? If not, why not? If yes, please describe their participation.

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4. Please indicate who has been involved in the regulation development process

	Department Staff						
<input type="checkbox"/>	Legal Counsel	<input type="checkbox"/>	Policy Makers	<input type="checkbox"/>	Legislative Person	<input type="checkbox"/>	Agency Head
	Other Department Staff						
<input type="checkbox"/>	Legal Counsel,	<input type="checkbox"/>	Policy Makers,	<input type="checkbox"/>	Legislative Person	<input type="checkbox"/>	Agency Head
	Regulated Parties						
	Advocates/Other Interested Parties						
	Others						

5. Design of the proposed regulation?

X	Please Check All Relevant Boxes	Briefly Describe
<input type="checkbox"/>	A. Establishes Performance Standard	
<input type="checkbox"/>	B. Requires Specific Actions, Technology, or Other Prescriptive Methods	
<input type="checkbox"/>	C. Relies on Market Solutions	
<input type="checkbox"/>	D. Other	



## **VI. Attachments**

1. Red-lined version of the proposed regulation showing the language added and deleted from any existing regulation
2. Text of MGL or other language (if any) requiring the regulation
3. Problem definition memorandum/materials
4. Flesch test results
5. Benefit-cost analysis and/or other supporting materials

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## **VII. Approvals**

Approval Level	Title	Signature	Date
Agency Head			
Secretariat			
A&F			

